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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,503	09/24/1998	B. REILLY BARRY	COS-97-101	5202

25537 7590 05/22/2002

WORLD COM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER

SOUGH, HYUNG SUB

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/159,503

Applicant(s) *we*

BARRY ET AL.

Examiner

Hyung S. Sough

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-96 is/are pending in the application.
- 4a) Of the above claim(s) 16-55 and 61-95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-15,56-60 and 96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 January 2001 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 25,27,28. 6) ☐ Other: _____

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Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The statute requires that the applications claiming benefit of the earlier filing date under 35 U.S.C. 119(e) or 120 be filed by an inventor or inventors named in the previously filed application or provisional application. However, none of the inventors (i.e., Devine, Shoulberg, Shifrin, Pfister, Fenley, Suscheck, Delano, Kennington, Bradnt, Pillai, Schwarz, and Shamash) of the provisional application 60/060,655 claiming benefit of the earlier filing data under 35 U.S.C. 119(e) is named as an inventor/inventors (i.e., Barry, Chodoroneck, Derosé, Gonzales, James, Levy, and Tusa) of the instant applicataion.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 4, 2001 have been disapproved by the Examiner because of the numerous informalities:

For examples,

- They are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "58a, 58b, 58c" (page 41, line 16), "154" (page 52, line 26), "158" (page 53, line 2), "600" (page 80, line 18), "83(a)" (page 80, line 24).

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- In FIG. 16, it is not clear what the difference is between "tool bar 1504" and "menu bar 1506".

- The reference number "1580" is used for two different elements: see FIGS. 12(b) and 12(c).

Again, Applicant is advised to carefully review all the drawings for further needed corrections.

Specification

3. The disclosure is objected to because of the numerous informalities:

For examples,

- Page 36, lines 24-31, the reference number "30" is used for "midrange server" and "Intranet application server".

- Page 45, lines 27-28, should "a Message Center 77" be --a Message Center 81--? See FIG. 5(a).

- Page 46, lines 31-30, "the applet to be loaded 338" cannot be understood. More specifically, the reference numeral "338" is used for a step for "Delete report Selected?" (See FIG. 11(a)).

- Page 84, line 3, "1596" is not in the drawings.

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Again, Applicant is advised to carefully review the entire specification for further needed corrections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 7-15, 56-60, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl et al. (Scholl hereinafter: US PAT. 6,145,001) in view of Harris et al. (Harris hereinafter: US PAT. 5,533,108).

Scholl discloses a system having an object oriented protocol (i.e., "a software application resident on a separate programmable device that communicates with Web server through the Internet"), at least one web server (3), at least one dispatch server (5), and a plurality of system resources (6) having a network manager (9). Scholl further discloses the network manager having the claimed functions (col. 9, lines 10-29). Scholl does not explicitly disclose that (a) the web server is a secure web server, (b) the protocol for enabling encrypted interactive communications, (c) the secure web server for managing secure customer sessions, and (d) switched communications including switched voice traffic resources and switched data traffic resources. However, Scholl

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states security management of the system (col. 8, lines 30-33). Thus, it would have been obvious to one of ordinary skill in the art to employ (a) the secure web server, (b) the protocol for enabling encrypted interactive communications, and (c) the secure web server for managing secure customer sessions to enhance the security management of the system. Further, Harris discloses the use of switched voice traffic resources and switched data traffic resources including switched toll free voice traffic resources for a new network management system (e.g., abstract). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Scholl by adopting the teaching of Harris to improve the system of Scholl. Still further, the system of Scholl modified by adopting the teaching of Harris would have the claimed network manager.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3-5, 7-16, 56-60, and 96 have been considered but are moot in view of the new ground(s) of rejection.

- Applicants state that Scholl does not disclose the network manager that control network resources associated with switched voice traffic resources and switch data traffic resources.

However, col. 9, lines 10-29 thereof, Scholl states:

The present invention facilitates traditional network management service applications such as configuration management (which includes tracking and changing network configuration from remote locations), fault management (which includes the ability to isolate, diagnose, resolve and log network problems on a real-

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time basis to maximize network availability), performance management (which includes the optimization of network performance through network performance data collection and analysis), accounting management (which includes the collection of statistical information on network use by subscribers), and security management (which includes the control of network access and use). Thus, the present invention can provide functions such as a help desk, customer service and support, software distribution, trouble ticket and reporting, and other functions. The present invention provides the ability to give different customer/users different views of the managed information, that is, suppress information, provide additional information, support different commands, and other functions.

More specifically, Scholl clearly discloses controlling resources on the network (*e.g., the ability to isolate, diagnose, resolve and log network problems on a real-time basis to maximize network availability, the optimization of network performance through network performance data collection and analysis, the control of network access and use*). Further, Scholl discloses generating a report in real time (*e.g., log network problems on a real-time basis*).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyung S. Sough whose telephone number is (703) 308-0505. The Examiner can normally be reached Monday-Friday from 8:30 AM - 4:00 PM EST.

If attempts to reach the Examiner by telephone are unsuccessful, The Examiner's Supervisor, James P. Trammell, can be reached on (703) 305-9768.

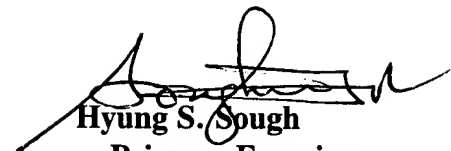
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900. The Group Fax numbers

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are (703) 746-7238 for After-final, (703) 746-7239 for Official, and (703) 746-7240 for Non-Official/Draft.



Hyung S. Soogh
Primary Examiner
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shs
May 16, 2002